

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY



सं० 32] नई दिल्ली, बुधवार, अगस्त 6, 1970 श्रावण 15, 1892
No. 32] NEW DELHI, THURSDAY, AUGUST 6, 1970/SRAVANA 15, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 6th August 1970/Sravana 15, 1892 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (LAWS) No. 2 REGULATION, 1970

No. 2 OF 1970

Promulgated by the President in the Twenty-first Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of the Laccadive, Minicoy and Amindivi Islands and to provide for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands (Laws) No. 2 Regulation, 1970. Short title, extent and commencement.

(2) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,—

Definitions.

(a) "Act" means an Act specified in the Schedule;

(b) "Administrator" means the Administrator of the Islands appointed by the President under article 239 of the Constitution;

(c) "Islands" means the Union territory of the Laccadive, Minicoy and Amindivi Islands.

CHAPTER II

EXTENSION OF LAWS AND REPEAL

Extension of certain laws of the Islands and their commencement therein.

3. (1) The Acts, as they are generally in force in the territories to which they extend, shall extend to the Islands.

(2) Notwithstanding anything contained in sub-section (1) or in the relevant provision, if any, of each such Act with regard to the commencement thereof, the provisions of each of the Acts shall come into force in the Islands on such date as the Administrator may, by notification in the Official Gazette of the Islands, appoint.

Repeal and saving.

4. (1) Any law in force in the Islands or any area thereof corresponding to any Act referred to in section 3 or any part thereof shall stand repealed as from the coming into force of such Act or part in the Islands or such area, as the case may be.

(2) Nothing in sub-section (1) shall affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to the Islands by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Extension of rules, orders, etc., under certain laws.

5. All rules, notifications, orders and regulations made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in the Islands, extend to, and come into force in, the Islands.

Rules of construction.

6. (1) In any Act or in any of the rules, notifications, orders and regulations made or issued thereunder and extended to the Islands by this Regulation,—

(a) any reference to any provision of law not in force, or to any functionary not in existence, in the Islands, shall be construed as a

reference to the corresponding law in force, or to the corresponding functionary in existence, in the Islands:

Provided that,—

(i) if any question arises as to who such corresponding functionary is, or

(ii) if there is no such corresponding functionary, the Administrator shall decide as to who such functionary will be and his decision shall be final;

(b) any reference to the State Government shall be construed as a reference to the Central Government and, unless the Central Government otherwise directs in any case, also as including a reference to the Administrator.

(2) For the purpose of facilitating the application in relation to the Islands of any Act or any rule, notification, order or regulation made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

7. In the Code of Criminal Procedure, 1898 as in force in the Islands,— Amendment of Act 5 of 1898.

(a) after section 408, the following sections shall be inserted, namely:—

‘408A. (1) The appeal referred to in section 408 may be presented to the Administrator who shall forward the same to the proper Appellate Court: Administrator to receive petition of appeal and exercise powers under section 426.

Provided that, before forwarding such appeal, the Administrator shall record thereon the date of its presentation, and if he is satisfied that the circumstances of the case so require, he may, in respect of such appeal, exercise all or any of the powers of the proper Appellate Court under sub-section (1) of section 426 and pass suitable orders.

(2) Every order passed by the Administrator under the proviso to sub-section (1) shall have effect until otherwise directed by the proper Appellate Court.

Explanation.—For the purposes of this section and section 420, “Administrator” means the Administrator of the Union territory of the Laccadive, Minicoy and Amindivi Islands appointed by the President under article 239 of the Constitution.

408B. For the purpose of the computation of the period of limitation an appeal presented to the Administrator under section 408A or under section 420, as the case may be, shall be deemed to be an appeal presented to the proper Appellate Court.’; Appeal presented to Administrator to be deemed to be an appeal presented to the proper Appellate Court.

(b) (i) section 420 shall be re-numbered as sub-section (1) thereof, and in sub-section (1) as so re-numbered, for the words “proper Appellate Court”, the word “Administrator” shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) On receipt of such petition and copies, the Administrator shall record thereon the date of such receipt and forward the same to the proper Appellate Court.”.

THE SCHEDULE

[See section 2(a)]

Year 1	No. 2	Short title 3
1880	12	The Kazis Act, 1880.
1895	15	The Government Grants Act, 1895.
1910	9	The Indian Electricity Act, 1910.
1933	2	The Children (Pledging of Labour) Act, 1933.
1934	19	The Indian Dock Labourers Act, 1934.
1939	30	The Commercial Documents Evidence Act, 1939.

V. V. GIRI,

President.

N. D. P. NAMBOODIRIPAD,

Joint Secy. to the Govt. of India.